

Remark

Applicant respectfully requests reconsideration of this application as amended. All of the claims have been canceled in favor of new claims. The claims are now more closely based on the originally filed claims in number and order. New Claim 139 is based on originally filed Claim 1. Claim 164 is based on originally filed Claim 4. Claim 198 is based on previously presented Claim 104. Therefore, claims 139-219 are now presented for examination.

Claim Objections

Claims 104-138 were objected to for various informalities.

Claim 219 corresponding to previous Claim 125 has been amended as suggested by the Examiner.

The independent claims beginning with Claim 198 are amended to express the differences between the various transmissions in a different way.

35 U.S.C. § 101 Rejection

Claims 114 and 135 were rejected under 35 U.S.C. 101, as directed to non-statutory subject matter. The preambles to claims 159 and 189 have been re-expressed based on the originally filed Beauregard claims and the Examiner's requested exclusionary phrase has been added. Applicants in doing so, do not concede the correctness of the Examiner's request nor the Office's policy in reinterpreting *In re Beauregard*.

35 U.S.C. § 112 Rejection

Claims 198-138 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The rejection has been overcome as in the previous remarks.

35 U.S.C. § 102 Rejection

Dunn

The Examiner has rejected claims 104, 105, 108-117, 120, 121, 124-132, 134, 135 and 138 under 35 U.S.C. 102(b) as being anticipated by Dunn, U.S. Patent No. 5,945,987 ("Dunn").

In Dunn as shown in Figure 9, the viewer can tune to a VOD (Video on Demand) channel that features a preselected group of previews. Information about the previews is stored in the STB, then, upon selection, a selected preview is downloaded for the viewer. The reference recommends a fiber optic network Col. 4, line 63 to support the needed download speeds.

After viewing a preview the viewer can order the corresponding program/movie, or add it to a list. If it is ordered, then it is downloaded immediately to the STB. Figure 4 shows the "preview browse user interface" in which the trailers can be sorted.

Starting with Claims 139-197, a content descriptor schedule signal and a unique identifier of a content descriptor file is sent to the client. After the content descriptor file is broadcasted, a signal is sent "indicating that the content descriptor file has been broadcasted and how to locate the broadcasted content descriptor file." The claim continues to recite, "broadcasting another content descriptor schedule signal..." Dunn does not show this level of care about sending content descriptions to a client.

In addition, the client is in a segment, and the content descriptor file and updated list of content are based on the segment, rather than a particular individual user. Dunn relies on feedback from the individual user.

This approach provides a benefit in that the set top box can reliably receive the descriptor files with minimum energy consumption and the client's selections are broadened to include the experience and tastes of others in the segment. Using segments can compensate for a client that does not spend very much time with demand data and for a client that may be too narrow minded about possible likes.

Turning to Claims 198-219, there is a five step process that starts with content descriptors that include only a portion of the content, then demand data from the client, then further content descriptors still with only a portion of the content, then further demand data, and then the full content.

Dunn, on the contrary, presents a two-stage approach in which the user selects previews and then either adds the corresponding show to his list, or orders the show to watch.

The invention as recited in Claim 198 presents a benefit in that the first iteration of content descriptors can be made to include more possibilities or be made to require less time from the user, or both. Only after an initial selection does the user need to seriously consider the further content descriptors. The further content descriptors are therefore better tailored to the user's desires. This again can be used to present a larger group of better options to the user or to present only the best options, saving time for the user. In the end download bandwidth requirements can be reduced and the user can spend more time enjoying content and less time rating and evaluating previews.

35 U.S.C. § 103 Rejection

Dunn and Payton

The Examiner has rejected claims 106, 107, 118, 119, 122, 123, 133, 136 and 137 under 35 U.S.C. 103(a) as being unpatentable over Dunn, in view of Payton U.S. Patent No. 5,790,935 ("Payton"). This rejection relies on the Dunn rejection discussed above and is believed to be traversed on the same grounds, *inter alia*.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the claims as amended be allowed.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

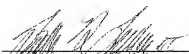
Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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